

FILED

IN THE SUPREME COURT OF THE CHEROKEE NATION

2011 JUL 12 PM 2: 10

IN THE MATTER OF THE 2011
GENERAL ELECTION

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Case No. SC-2011-06

CHEROKEE NATION
SUPREME COURT
KENDALL BIRD, COURT CLERK

O R D E R

On the 8th day of July, 2011, this Court, pursuant to LA-06-10, *et seq*, has commenced the hearing upon the Appeal of Candidate Chadwick "Corntassel" Smith regarding the race for Principal Chief in the 2011 General Election. Now on this 12th day of July, 2011, the Court having, on the 10th day of July, 2011, conducted a numeric count of the absentee envelopes received in the 2011 General Election and a numeric count of the number of absentee ballots counted therein pursuant to LA-06-10, §102(B), further finds that at this time in this appellate process, this Court cannot confirm the accuracy of the results of the 2011 General Election to a mathematical certainty.

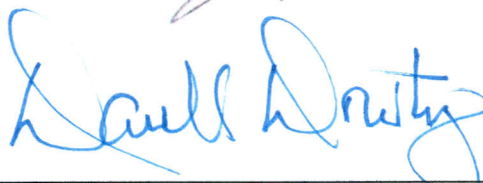
IT IS THEREFORE ORDERED pursuant to LA-06-10, §102 *et seq*, that a manual hand recount of the ballots for the office of Principal Chief of the Cherokee Nation in the 2011 General Election shall be conducted at the Cherokee Nation Election Commission Office on the 16th day of July, 2011, beginning at 8:30 a.m. and thereafter until completed under the supervision of this Court and under substantially the same procedures as were followed in the counting process utilized on July 10, 2011.

IT IS FURTHER ORDERED that the Parties may submit written offers of proof by noon on Friday, July 15, 2011, regarding any issues identified as a result of the counting results of July 10, 2011, and regarding recommendations for procedures to be followed in the recount hereinabove ordered by this Court.

The Clerk of the Court is directed to cause a copy of this Order to be delivered to counsel for the Appellant, Intervenor and the Cherokee Nation Election Commission.

Done this 12th day of July, 2011.



Darell Matlock, Chief Justice

Darrell Dowty, Justice

Kyle Haskins, Justice

James Wilcoxen, Justice

Troy Wayne Poteete, Justice

CERTIFICATION OF MAILING

I certify that a true and correct copy of the foregoing document, Order, was mailed and/or transmitted via facsimile on this **12** day of July, 2011 to the following:

Lloyd E. Cole, fax # (918) 696-2070
Cherokee Nation Election, fax # (918) 458-6101
Charles Hoskin, Jr. and Kalyn Free, fax # (949) 607-2914
Laurie Phillips, fax # (866) 436-0304
Jason Aamodt, fax # (918) 378-0514
Tim K. Baker, fax # (918) 456-1983
Dean Luthey, fax # (918) 594-0505
Casey Ross-Petherick, fax # (405) 735-5417



Kendall Bird, Court Clerk